



IAP6 Rec'd PCT/P10 13 FEB 2006

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#9

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Naomi Burke Anker, *et al.*

Serial No.: 10/520,962

Case No.: MS0012YP

Filed: January 10, 2005

For: TREATMENT OF NEUROPATHIC PAIN WITH 6H-PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

Art Unit:
Unassigned
Examiner:
Unassigned

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

7 MAR 2006

**RENEWED PETITION AND REQUEST TO CORRECT
INVENTORSHIP PURSUANT TO 37 CFR § 1.497**

Legal Staff
International Division

Sir:

Applicants respectfully renew their request to correct inventorship pursuant to 37 CFR § 1.497.

The following person should be added as an inventor in the referenced application:

Tao Hu

8950 Costa Verde Blvd. Apt # 4341
San Diego, CA 92122

The referenced U.S. National Phase Application was filed as International Application No. PCT/US03/21493 on July 8, 2003, listing inventors Naomi Burke Anker, Jeannie M. Arruda, Brian Thomas Campbell, Benito Munoz, Petpiboon Prasit, Brian A. Stearns. Tao Hu was unintentionally omitted as an inventor. The omission was detected upon a review of the instant National Phase Application and was confirmed by Merck attorney David Rubin. The omission was inadvertent, and was made without any deceptive intent on the part of Mr. Rubin, Tao Hu or any of the originally listed inventors. Moreover, the omission of Tao Hu was detected only after the deadline for adding inventors to the International Application pursuant to Rule 92*bis* had passed.

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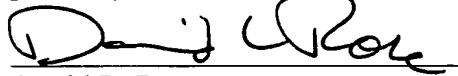
In support of this Request, enclosed please find:

- (1) Statement of Inventor Tao Hu;
- (2) Copy of oath executed by all inventors (original submitted with a Response to Notice to Missing Part of Application filed November 23, 2005);
- (3) Copy of Assignment to Merck & Co., Inc. by all inventors (submitted for recordation February 8, 2006); and
- (4) Merck & Co., Inc. General Corporate Resolution No. 5.

Applicants' original "Request to Correct Inventorship Pursuant to 37 CFR § 1.497" submitted November 23, 2005 was dismissed because it did not include a statement of consent on behalf of assignee Merck & Co., Inc. The undersigned is authorized to act on behalf of Merck & Co., Inc. in connection with patent matters (see General Corporate Resolution No. 5). The undersigned hereby consents to the addition of inventor Tao Hu.

Please charge the processing fee set forth in §1.17(i), and any other appropriate fee, to Deposit Account No. 13-2755.

Respectfully submitted,

By 
David L. Rose
Reg. No. 26,332
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, NJ 07065-0907
(732) 594-4777

Date: February 9, 2006



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Naomi Burke Anker, *et al.*

Serial No.: 10/520,962

Case No.: MS0012YP

Filed: January 10, 2005

For: TREATMENT OF NEUROPATHIC PAIN WITH 6H-PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

Art Unit:
Unassigned
Examiner:
Unassigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

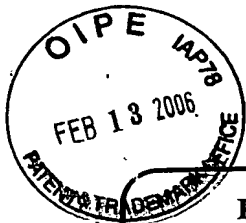
STATEMENT OF INVENTOR TAO HU

Sir:

1. I have reviewed U.S. Patent Application No. 10/520,962, including the claims contained therein. I have been informed by patent counsel that U.S. Patent Application No. 10/520,962 is the U.S. national phase application based on international application PCT/US03/21493.
2. I am an inventor of subject matter claimed in U.S. Patent Application No. 10/520,962, along with co-inventors Naomi Burke Anker, Jeannie M. Arruda, Brian Thomas Campbell, Benito Munoz, Petpiboon Prasit, Brian A. Stearns.
3. I was erroneously not listed as an inventor in international application PCT/US03/21493. The error in not listing me was made without deceptive intent on my part or the part of the inventors listed on the international application.
4. It appears that due to a clerical error only the inventors listed on U.S. Provisional Patent Application No. 60/394,734 (from which the referenced U.S. Non-Provisional Patent Application claims priority) were listed as inventors for the International Application. Only upon review of the referenced national phase application was it noticed that my name was omitted as an inventor.

Dated: NOV.-22-2005


Tao Hu



**DECLARATION AND
POWER OF ATTORNEY
FOR UTILITY OR DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number MS0012Y
First Named Inventor N. B. Anker, et al.

COMPLETE IF KNOWN

Application Number

Filing Date

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TREATMENT OF NEUROPATHIC PAIN WITH 6H-PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

(Title of the Invention)

the specification of which

☐ bears the Attorney Docket Number and Title of the Invention noted above

OR

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 07/08/2003 as United States Application Number or PCT International

Application Number PCT/US03/21493 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Attorney Docket Number | Priority Claimed? | |
|-------------------------------------|---------|----------------------------------|------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | Attorney Docket Number |
|-----------------------|--------------------------|------------------------|
| 60/394,734 | 07/11/2002 | MS0012Y |
| | | |
| | | |
| | | |

DECLARATION AND POWER OF ATTORNEY for Utility Design Patent Application

I hereby claim the benefit under 35 U.S.C 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Application Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
| | | |
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| | | |
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☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint, respectively and individually, as my attorney(s) or agent(s) with full power of substitution and revocation, the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

☒ Practitioners Associated with the Customer Number **000210**
OR
☐ Registered practitioner(s) named below

| Name | Registration Number | Name | Registration Number |
|-------------|---------------------|---------------|---------------------|
| David Rubin | 40,314 | David L. Rose | 26,332 |
| | | | |
| | | | |
| | | | |

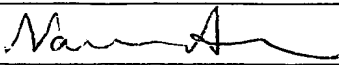
Direct all correspondence to: ☒ Customer Number **000210**

| | | | | | |
|---------|---------------------------------------|-----------|---------------|-----|---------------|
| Name | David Rubin | | | | |
| Address | Merck & Co., Inc. - Patent Department | | | | |
| Address | P.O. Box 2000, RY60-30 | | | | |
| City | Rahway | State | NJ | ZIP | 07065-0907 |
| Country | USA | Telephone | (732)594-2675 | Fax | (732)594-4720 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

| | |
|--|------------------------|
| Given Name (first and middle [if any]) | Family Name or Surname |
| Naomi Burke | Anker |


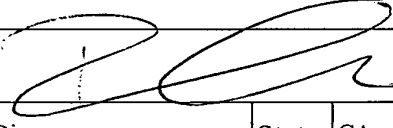
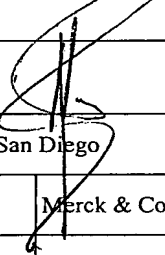
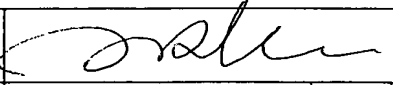
| | | | |
|----------------------|---|-------------|----------|
| Inventor's Signature |  | Date | 10/20/05 |
| Residence: City | Boston | State | MA |
| | | Country | US |
| | | Citizenship | US |

| | | | | | |
|-----------------|--|---------|--------|-----|-------|
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | |
| City | San Diego | State | CA | ZIP | 92121 |
| | | Country | U.S.A. | | |

☒ Additional inventors are being named on the 2 supplemental Additional Inventors(s) sheet(s) PTO/SB/02A attached hereto.

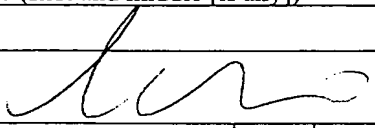
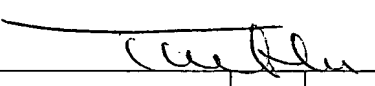
DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)
Supplemental Sheet

| | | | | | | | |
|--|---|---|----|------------------------|-------|-------------|-------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Jeannie M. | | | | Arruda | | | |
| Inventor's Signature |  | | | | | Date | 12-Jan-2005 |
| Residence: City | San Diego | State | CA | Country | US | Citizenship | US |
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | | | |
| City | San Diego | State | CA | ZIP | 92121 | Country | U.S.A. |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Brian Thomas | | | | Campbell | | | |
| Inventor's Signature |  | | | | | Date | 12 JAN 2005 |
| Residence: City | San Diego | State | CA | Country | US | Citizenship | US |
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | | | |
| City | San Diego | State | CA | ZIP | 92121 | Country | U.S.A. |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Benito | | | | Munoz | | | |
| Inventor's Signature |  | | | | | Date | 12-JAN-2005 |
| Residence: City | San Diego | State | CA | Country | US | Citizenship | CA |
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | | | |
| City | San Diego | State | CA | ZIP | 92121 | Country | U.S.A. |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Petpiboon | | | | Prasit | | | |
| Inventor's Signature |  | | | | | Date | 12 JAN 05 |
| Residence: City | San Diego | State | CA | Country | US | Citizenship | CA |
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | | | |
| City | San Diego | State | CA | ZIP | 92121 | Country | U.S.A. |

DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)
Supplemental Sheet

| | | | | | | | |
|--|---|---|----|------------------------|------------|-------------|--------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Brian A. | | | | Stearns | | | |
| Inventor's Signature |  | | | | | Date | Jun 12 2005 |
| Residence: City | San Diego | State | CA | Country | US | Citizenship | US |
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | | | |
| City | San Diego | State | CA | ZIP | 92121 | Country | U.S.A. |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Tao | | | | Hu | | | |
| Inventor's Signature |  | | | | | Date | Jun -12-2005 |
| Residence: City | San Diego | State | CA | Country | US | Citizenship | China |
| Mailing Address | Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court | | | | | | |
| City | San Diego | State | CA | ZIP | 92121 | Country | U.S.A. |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| | | | | | | | |
| Inventor's Signature | | | | | | Date | |
| Residence: City | | State | | Country | | Citizenship | |
| Mailing Address | | | | | | | |
| City | Rahway | State | | ZIP | 07065-0907 | Country | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| | | | | | | | |
| Inventor's Signature | | | | | | Date | |
| Residence: City | | State | | Country | | Citizenship | |
| Mailing Address | | | | | | | |
| City | Rahway | State | NJ | ZIP | 07065-0907 | Country | |

Attorney Docket Number MS0012Y PATEN

U.S. Serial No. _____

Filing Date _____

ASSIGNMENT AND AGREEMENT

For value received, we, Naomi Burke Anker; Jeannie M. Arruda; Brian Thomas Campbell; Benito Munoz; Petpiboon Prasit; Brian A. Stearns

of 355 Marlborough St #1, Boston MA, 02115; 972 Tourmaline St., San Diego, CA 92109; 1830 Thomas Ave. #1H, San Diego, CA 92019; 10741 Frank Daniels Way, San Diego, CA 92131; PO Box 3734, Rancho Santa Fe, CA 92067-3734; 3339 32nd Street, San Diego, CA 92104

hereby sell, assign and transfer to MERCK & CO., Inc., a corporation of the State of New Jersey, having an office at Lincoln Avenue, City of Rahway, State of New Jersey, and its successors, assigns and legal representatives, our entire right, title and interest, for all countries, in and to certain inventions relating to

described in an application for Patents having Attorney Docket Number MS0012PV and in application(s) Serial No. 60/394,734 filed on 07/11/2002 ; Serial No. _____ filed on _____ ; Serial No. _____ filed on _____ (if applicable),

TREATMENT OF NEUROPATHIC PAIN WITH 6H-PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

and all our rights and privileges, including any and all benefits under the International Convention for the Protection of Industrial Property, under any and all Patents which may be granted therefor, and under any and all extensions, divisionals, reissues and continuations of said application for Patents, including any foreign applications derived therefrom, equivalent thereto or claiming priority thereof.

We request that any and all Patents for said inventions be issued to said assignee, its successor, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining Patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

We hereby authorize our attorney, David Rubin or an attorney with Power of Attorney in this application, of the said MERCK & CO., Inc., to insert Serial No., (s) and Filing Date(s) of said application(s) when known.

Signed at San Diego, California this 11th day of June, 2003.

Jeannie M. Arruda

Benito Munoz

Brian A. Stearns

Brian Thomas Campbell

Petpiboon Prasit

Attorney Docket Number MS0012Y

U.S. Serial No. _____

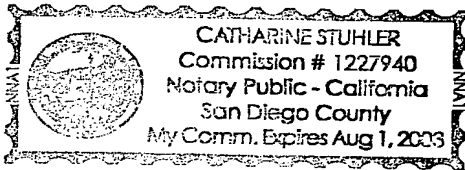
Filing Date _____

ASSIGNMENT AND AGREEMENT

State of California }
County of San Diego } SS.

Personally appeared before me the above-named Jeannie M. Arruda Benito Munoz Brian A. Stearns Brian Thomas
Campbell Petpiboon Prasit

to me known and known to me to be the person(s) who executed the foregoing instrument and acknowledged said instrument to be
their free act and deed this 11th day of June, 2003.



Catharine Stuhler
Notary Public

Signed at Boston, MA this 11 day of July, 2003

Naomi Burke Anker
Naomi Burke Anker

Boston, MASS }
County of SUFFOLK } SS.

Personally appeared before me the above-named Naomi Burke Anker

to me known and known to me to be the person(s) who executed the foregoing instrument and acknowledged said instrument to be
their free act and deed this 11th day of JULY, 2003.

John R. Rabarol
Notary Public

MY COMMISSION EXPIRES 6-16-06

Attorney Docket Number MS0012Y PATEN

U.S. Serial No. _____

Filing Date _____

ASSIGNMENT AND AGREEMENT

For value received, we, Tao Hu

of 8950 Costa Verde Blvd. Apt # 4341, San Diego, CA 92122

hereby sell, assign and transfer to MERCK & CO., Inc., a corporation of the State of New Jersey, having an office at Lincoln Avenue, City of Rahway, State of New Jersey, and its successors, assigns and legal representatives, our entire right, title and interest, for all countries, in and to certain inventions relating to

TREATMENT OF NEUROPATHIC PAIN WITH 6H-PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

described in an application for Patents having Attorney Docket Number MS0012PV and in application(s) Serial No. 60/394,734 filed on 07/11/2002 ; Serial No. _____ filed on _____ ; Serial No. _____ filed on _____ (if applicable),

and all our rights and privileges, including any and all benefits under the International Convention for the Protection of Industrial Property, under any and all Patents which may be granted therefor, and under any and all extensions, divisionals, reissues and continuations of said application for Patents, including any foreign applications derived therefrom, equivalent thereto or claiming priority thereof.

We request that any and all Patents for said inventions be issued to said assignee, its successor, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining Patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

We hereby authorize our attorney, David Rubin or an attorney with Power of Attorney in this application, of the said MERCK & CO., Inc., to insert **Serial No.**, (s) and **Filing Date(s)** of said application(s) when known.

Signed at San Diego, CA this 12th day of January, 2005.

Tao Hu

Attorney Docket Number MS0012Y

U.S. Serial No. _____

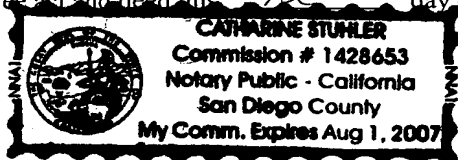
Filing Date _____

ASSIGNMENT AND AGREEMENT

State of California
County of San Diego } SS.

Personally appeared before me the above-named Tao Hu

to me known and known to me to be the person(s) who executed the foregoing instrument and acknowledged said instrument to be their free act and deed this 12th day of January, 2005.



Catherine Stuhler
Notary Public

Signed at _____ this _____ day of _____, _____.

County of _____ } SS.

Personally appeared before me the above-named

to me known and known to me to be the person(s) who executed the foregoing instrument and acknowledged said instrument to be their free act and deed this _____ day of _____, _____.

Notary Public

General Corporate Resolution #5

PATENT MATTERS

RESOLVED, that any of the following:

Richard T. Clark-Chief Executive Officer and President
Kenneth C. Frazier-Senior Vice President and General Counsel
Joseph F. DiPrima-Vice President and Assistant General Counsel
Paul D. Matukaitis-Vice President and Assistant General Counsel
William Krovatin-Counsel, IP Litigation
Edward W. Murray-Counsel, IP Litigation
Charles M. Caruso-Counsel, International
Valerie J. Camara-Counsel, Patents
Mark R. Daniel-Counsel, Patents
Joanne M. Giesser-Counsel, Patents
Anthony Rollins-Counsel, European Patents
David L. Rose-Counsel, Patents
Jack L. Tribble-Counsel, Patents
Melvin Winokur-Counsel, Patents
Donna L. Margiotto-Senior Manager, Patent Administration

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

CERTIFICATION

I, Debra A. Bollwage, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended by the Board of Directors of said Company at a meeting duly called and held on May 24, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 27th day of June 2005.

Debra A. Bollwage
Senior Assistant Secretary

(SEAL)